

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

BOBBY GARRISON,

PLAINTIFF,

-VS-

MONTGOMERY COUNTY BOARD
OF EDUCATION, ET AL.

DEFENDANTS.

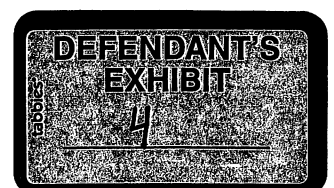
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CASE No. 2:05-cv-549-A

AFFIDAVIT OF JACKY TODD

Before me, the undersigned authority, in and for said county and state, personally appeared Jacky Todd, who being known to me and being first duly sworn, deposes and says under oath as follows:

1. My name is Jacky Todd. I am a white male over the age of nineteen and I have personal knowledge of the matters set forth herein.
2. Donald Dotson, a black male, was Director of Logistics until July 1, 2003, when he became Director of Career and Technical Education. On July 28, 2003, I became the Director of the Logistics Department for Montgomery Public Schools.
3. I know Bobby Garrison who was employed by the Board as a Laborer I.
4. I know Mike Strength who was a supervisor in Logistics until his retirement in May 2005. Mike Strength is a white male.
5. In November 2003, three employees applied for the position of Laborer III: Bobby Garrison, Lewis Gunter, a white male, and Ronnie Causey, also a white male. Each man was interviewed upon reporting to work one

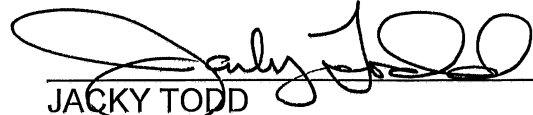


morning. The interview committee consisted of Mike Strength, Betty Smith and me. We asked a predetermined set of questions during the interviews. Then Superintendent Clinton Carter instructed that the person in this position would be in charge of science kits. Ronnie Causey was a good worker and was already mainly working with science kits at the time this position was posted. We believed that he would be best suited for the job. No one mentioned race during that interview process and it did not have any bearing on my personal decision.

6. After Garrison's written complaint to Jimmy Barker regarding Mike Strength and the Laborer III position, a meeting was held with Garrison, Jerry Morris, Barker, Casillas and me. After that meeting, I decided to take over the distribution of work assignments from Mike Strength to ensure that work was being evenly and fairly distributed.
7. Also, in an effort to alleviate Garrison's unhappiness with "warehouse work", I offered to move him to a mail route that was becoming available because of a mid-year retirement. Almost immediately, I began to receive complaints from school secretaries and mailroom personnel that Garrison was too difficult to work with.
8. I made the decision to recommend Garrison's nonrenewal to Dr. Clinton Carter. My decision was based on his inability to get along with his coworkers, among other performance problems. Mike Strength did not assist me in making my recommendation. Garrison's race had no bearing

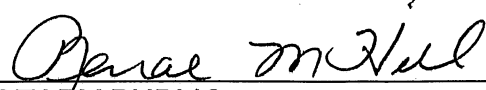
on this or any other decision I made regarding his employment or the way
I treated him.

Further affiant saith not.


JACKY TODD

STATE OF ALABAMA)
COUNTY OF MONTGOMERY)

Before me the undersigned Notary Public in and for State and County aforesaid,
personally appeared **JACKY TODD**, who is personally known to me and who, being by
me first duly sworn, doth depose and say that he signed the above affidavit to the best
of his knowledge, information and belief and with full understanding of its effect.


NOTARY PUBLIC

(SEAL)

My Commission Expires: 11-25-07